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United States Senate
WASHINGTON, DC 20510-2602

November 17, 2009

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, District of Columbia 20460-0001

Dear Administrator Jackson:


I am writing to you today regarding Libby, Montana and the progress of the clean-up. Specifically, I am inquiring about the status of the Record of Decision for Operating Unit 1 (OU-1), the former Export Plant, and Operating Unit - 2 (OU-2), the former Screening Plant. I have questions regarding the relationship between the Proposed Plans released by EPA on September 9, 2009 and the pending results of both activity-based sampling, the risk assessment for Libby amphibole asbestos, and the additional toxicity tests that are also underway.

On September 9, 2009 the EPA released a Proposed Plan for the clean-up of OU-1 and OU-2. The proposed comment period on those Proposed Plans ends on December 16, 2009. Simultaneously, the Agency is compiling the results of activity-based sampling in Libby that will inform an update to the current Action Memo guiding the current removal actions in Libby. In addition, the Agency is completing a risk assessment that is expected to be completed in 2011 and additional toxicity tests that will not be complete until 2015.

Please provide a detailed explanation of the Agency's technical justification for moving forward with a Record of Decision on OU-1 and OU-2 prior to completion of the risk assessment and toxicity tests. In providing your response, please explain the technical basis for the Agency's decision as to the level of clean-up that is necessary in OU-1 and OU-2 to protect public health and the environment, given the lack of the completed risk assessment and additional toxicity tests. In addition, do you anticipate that the results of the risk assessment or toxicity tests will necessitate an update or revision to the Record of Decision? If so, please explain the process that EPA would undertake to make those changes.

Thank you for your quick response.

Sincerely,



MB/jm

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